

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

August 28, 2009

Board of Land
and Natural Resources
Honolulu, Hawaii

Information Regarding two (2) Amendments to Papahānaumokuākea Marine National Monument Permits for a Native Hawaiian Practices Permit No. 2009-039 to Charles N. Thompson, Polynesian Voyaging Society, to Conduct Traditional Hawaiian Wayfinding Activities from April 1, 2009-December 31, 2009 and for a Conservation and Management Permit No. 2009-020 to Commanding Officer John Caskey, National Oceanic and Atmospheric Administration (NOAA) Ship HI'IALAKAI, to Conduct Shipboard Support Activities from June 1, 2009-December 31, 2009 for Amendment Activities to be Conducted Outside of State Waters

The Division of Aquatic Resources (DAR) hereby notifies the Board of Land and Natural Resources of amendments of two (2) Papahānaumokuākea Marine National Monument (Monument) for a Native Hawaiian Practices permit No. 2009-039 to Charles N. Thompson, President, Polynesian Voyaging Society, and for a Conservation and Management Permit No. 2009-020 to Commanding Officer John Caskey, National Oceanic and Atmospheric Administration (NOAA) Ship HI'IALAKAI, pursuant to §187A-6, Hawaii Revised Statutes (HRS), Chapter 13-60.5, Hawaii Administrative Rules (HAR), and all other applicable laws and regulations.

The permitted activities were previously authorized by the Board of Land and Natural Resources for activities in State waters as described below. However, requested amendments are for activities that will occur outside of State jurisdiction. This informational briefing is being provided as a courtesy due to the previous Board action.

The Native Hawaiian Practices permit allows entry and activities to occur in the Monument, including the Northwestern Hawaiian Islands (NWHI) State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Nihoa Island

The permitted activities are a renewal of work previously permitted and conducted in the Monument. The applicant proposes to sail to Nihoa Island via the 18-meter double-hulled voyaging canoe Hōkūle'a. The primary objective of this activity is to allow apprentice navigators to practice the traditional Hawaiian/Polynesian skills of wayfinding (non-instrumental navigation), in preparation for an upcoming voyage around the world.

Because the Main Hawaiian Islands are relatively too close to practice long-range navigational skills, the applicant proposed to conduct such training within the NWHI, specifically to Nihoa Island.

The canoe would depart Kaua'i en-route to Lehua Island, with Nihoa as its final destination. Hōkūle'a would be accompanied by an escort vessel following closely behind the canoe at all times for safety and communication purposes. Personnel covered by this permit would include the 14 crew (maximum) for the Hōkūle'a, as well as the 6 crew (maximum) for escort vessel. Once at Nihoa, Hōkūle'a may circumnavigate the island before returning to Kaua'i. The sail plan will be attached to the final Compliance Information Sheet and submitted to the Monument Permit Coordinator.

The permit amendment request is for a change in the escort vessel to accompany Hokule'a. The escort vessel will remain outside of State waters at Nihoa while the canoe is at the island, thus this permit amendment falls outside State jurisdiction.

The activities proposed by the applicant directly support the Monument Management Plan's Native Hawaiian Cultural and History action plan 3.1.2., which includes supporting regular access for Polynesian voyaging canoes for wayfinding, navigational, and cultural protocol training.

The conservation and management permit allows entry and management activities to occur in the Monument, including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Nihoa Island,
- Necker Island (Mokumanamana),
- French Frigate Shoals,
- Gardner Pinnacles,
- Maro Reef,
- Laysan Island,
- Lisianski Island, Neva Shoal,
- Pearl and Hermes Atoll, and
- Kure Atoll State Seabird Sanctuary.

The permitted activities are a renewal of work previously permitted and conducted in the Monument. The permitted activities provide an at-sea platform for NOAA's research, education, and management programs and the Monument. Researchers, educators, and managers aboard NOAA Ship HI'IALAKAI would work under separate permits than the ship.

The ship transits to the Monument from Pearl Harbor, operates within the Monument conducting various operations, including small boat operations, SCUBA diving, snorkeling, marine debris retrieval and removal, oceanographic data collection, and supporting authorized U.S. Fish and Wildlife Service and State of Hawaii marine and land-based operations. The ship monitors other vessel traffic in the vicinity of operations and report movement via Vessel Monitoring System (VMS) to the NOAA Office of Law Enforcement. Monument personnel will be on board and in charge of all operations.

All methods and procedures are performed with the safety and welfare of personnel, the protection of Monument resources, and the accomplishment of mission objectives as top priorities. NOAA Ship HI'IALAKAI has all required inspections (hull fouling, gear, tender vessel, ballast water, and rat). NOAA Ship HI'IALAKAI also has a type-approved Vessel Monitoring System (VMS) on board, which meets Monument requirements, and abides by Monument entry and exit notification requirements.

The support provided by NOAA Ship HI'IALAKAI does not diminish Monument resources, qualities, or ecological integrity and is fully compatible with the purposes of the Proclamation including preserving and furthering understanding of Monument resources and qualities. NOAA Ship HI'IALAKAI plays an integral role in assuring that research and conservation and management activities, which are critical management elements for the Monument, are properly supported in the field.

The permit amendment request is to allow sustenance fishing within the Midway Atoll Special Management Area. This requested amendment is for activities outside of State jurisdiction. Authorization for the new/added area will be administratively executed via signatures from all three Co-Trustee agencies.

The activities proposed by the applicant directly support the Monument Management Plan's priority management needs 3.3 – Reducing Threats to Monument Resources through action plan 3.3.3 Maritime Transportation and Aviation Action Plan, and 3.6 – Achieving Effective Monument Operations through action plan 3.6.3 - Coordinated Field Operations. As NOAA Ship HI'IALAKAI would serve as a platform for a variety of other permitted activities, this permit would also support priority management needs 3.1 – Understanding and Interpreting the NWHI; and 3.2 – Conserving Wildlife and Habitats.

REVIEW PROCESS:

The permit amendment requests were sent out for a limited review and comment to the following entities: Hawaii Division of Aquatic Resources, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Pacific Islands NW Refuge Complex Office, and the Office of Hawaiian Affairs (OHA).

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA) Yes ☒ No ☐
If so, please list or explain:

- The wayfinding training on the Hokule'a does not trigger § 343, Hawaii Revised Statutes (HRS).
- Research scientists, educators, and managers working aboard NOAA Ship HI'IALAKAI apply for and are issued separate permits pertaining to their proposed activities. The activities described for ship operations were also

discussed and described in the Monument Management Plan and analyzed in the Environmental Assessment under § 343, Hawaii Revised Statutes (HRS).

As neither of the amendment requests are in State waters, consideration of § 343, Hawaii Revised Statutes (HRS) is not applicable to these permit amendments.

Respectfully submitted,

MONUMENT MANAGEMENT BOARD OPINION:

The MMB is of the opinion that the requested permit amendments have met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements.



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL



LAURA H. THIELEN
Chairperson